

APPROVED AS AMENDED BY BOARD OF SELECTMEN

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING MINUTES
NOVEMBER 1, 2004**

ATTENDANCE: Evonne Klein, First Selectwoman; Linda Santarella; Dr. Joseph Miceli;
Barbara Thorne; Robert F. Harrel, Jr.

STAFF: John Crary, Town Administrator

OTHER: Wayne Fox, Town Counsel; Roger Frate, Sr.; Joe Warren;
Cheryl Russell, Coastal Environment Commission; Flora Smith;
Seth Morton

CALL TO ORDER

The First Selectwoman called the meeting to order at 5:30 p.m.

1ST SELECTWOMAN'S REPORT

There was discussion of opening the football stadium to the public for a game and there was discussion regarding fencing the lot so that the field would be safe for the public to attend the football game. Ms. Klein reported that there would be an Executive Session with the Board of Finance on November 4, 2004. A public session will be held on Wednesday, November 10, 2004, with a possible Board of Selectmen's meeting following. On Thursday, November 4, 2004, First Selectwoman Klein and Bob Steeger will meet with the Department of Transportation regarding the Cantenary Repair Project and the floor replacement in the pedestrian overpass at Noroton Heights Train Station. On Friday, November 5, 2004, Ms. Klein will be speaking at the Chamber of Commerce Dinner. Monday, November 8, 2004, Ms. Klein will attend an Old Timer's Award ceremony. On Tuesday, November 9, 2004, the Downtown Darien Committee will be touring Main Street, Waterbury. On Wednesday, November 10, 2004 at noon is the DHS tour. There will be a ceremony at 11:00 a.m. at the VFW on Thursday, November 11, 2004. On Friday, November 12, 2004, there will be a Main Street application meeting.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Crary reported on the status of the search for software for land use purposes, i.e., the Building Department, Planning & Zoning. The Board of Selectmen engaged Blum & Shapiro, a software consultant to assist them in finding the proper software for the town. An RFP will be complete by tomorrow. Once this is complete, test drives will be conducted in which the vendors are invited to present their software in order to ensure that it meets the town's needs. Mr. Crary said that this is an ongoing project but a software vendor and program should be selected by the end of December and it will be brought before the Board at that time.

NEW BUSINESS

a) Consider and Take Action on Conducting a Shellfish Survey

Ms. Klein stated that at the last meeting the Board of Selectmen did not vote on adopting the Shellfish Ordinance. She said the Board took the advice of the Advisory Commission on Coastal Waters which was to have a survey done of the town's shellfish. Ms. Klein said that enclosed in the packets to the Board members are the recommendations of Bud Reilly and Sandy McDonald who are present tonight to answer any questions that the Board might have. She said that their recommendation is that the shellfish survey be conducted by Tallmadge Brothers, Inc. There was discussion with regard to the survey conducted by Tallmadge Brothers. Ms. Klein commented on the statutes in Connecticut with regard to allowing commercial clammers in the natural beds. Mr. Warren asked if other entities were considered. It was determined that the job did not go out to bid. Ms. Russell stated that she would vote no on this item. She said that there should be an independent person and that neither the Frates nor Tallmadge Brothers should do the survey.

- ** MS. THORNE MADE A MOTION THAT THE BOARD OF SELECTMEN ACCEPT THE RECOMMENDATION OF BUD REILLY AND SANDY MCDONALD THAT A SHELLFISH SURVEY BE CONDUCTED BY TALLMADGE BROTHERS, INC. WITH THE UNDERSTANDING THAT TALLMADGE BROTHERS, INC. OR RELATED COMPANIES OF TALLMADGE BROTHERS, INC. CANNOT CLAM IN SCOTT'S COVE FOR A PERIOD OF 5 YEARS.**
- ** DR. MICELLI SECONDED THE MOTION.**
- ** MOTION PASSED WITH ONE IN OPPOSITION (MS. SANTARELLA).**

b) Discuss Charter Revision

Ms. Klein stated that at the last meeting the Board met with some of the former members of the Charter Revision Committee. She said that this is a follow up to that meeting with regard to the timeline for the revision and where the Board wants to go with this. Ms. Klein said that new commissioners needed to be appointed and a discussion of charter revisions needed to take place. Dr Miceli stated that over the years the town government has run into some problems as evidenced by what was in the charter revision report. He said that the revisions needed to go forward. Ms. Thorne said that the charter that was presented by the last group did an excellent job. She said that times have changed in the last few years that might need to be considered such as the need to be codified. Ms. Thorne also suggested that the lines of responsibilities be more clearly defined. She said that she would like to see a mix of old and new members on the Committee. Dr. Miceli said the revisions would also help employees know who to report to. Ms. Klein said that she has concerns about reappointing a committee without opening it up to the public. She said that she feels the appointments should be inclusive. Ms. Santarella said that the Charter revision charge is very broad. Mr. Morton said that the sooner the Board moves on the revisions the better. He said that the more revisions are added the harder it will be to get it passed. Ms. Klein said that there are other things

that she would like to see considered and added and suggested that the Board members come back at the next meeting with charges for revisions.

c) Consider and Take Action on Proposed Parking Rate Increase

- ** MS. SANTARELLA MADE A MOTION TO INCREASE THE PARKING RATE FROM \$235.00 TO \$288.00.**
- ** DR. MICELI SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

d) Consider and Take Action on Proposed Changes to the Darien Town Code regarding Revenues from Certain Parking Spaces

Ms. Klein reported that two people spoke at the public hearing last week. Mr. Crary said that this item was brought up last year at budget time. He said the town was to increase revenue from the parking spaces and if the town did not use the funds for a particular year they would go to the surplus of the town. He said that is how the existing town code is worded. Mr. Crary said that presently 20% of all revenues collected go to the State as a lease payment for the land. Mr. Crary said that the town asked the State to waive the 20% permitting the town to hold onto the funds to use for capital improvements. The State agreed to a supplemental lease agreement permitting this. Mr. Crary said that this would enable the funds to go to a capital account instead of a surplus of the town, which would enable the town to have a capital improvement program for the parking lots. Mr. Crary said that this item has to go to the RTM as well as the lease agreement.

- ** DR. MICELI MADE A MOTION TO ACCEPT THE CHANGES TO THE DARIEN TOWN CODE REGARDING REVENUES FROM CERTAIN PARKING SPACES.**
- ** MS. THORNE SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

e) Discuss Draft Snow Shoveling Ordinance

Ms. Klein said that last year there was so much snow and that people were nervous that they would be arrested and fined for not shoveling their snow. She said that the town also received telephone calls from angry pedestrians stating that sidewalks were not shoveled making it difficult to walk on the sidewalks. Ms. Klein said that if the town pursues what is on the books today a person could actually be fingerprinted and in court in Stamford for not shoveling their sidewalks. Ms. Klein said that the ordinance for snow removal was changed from an 18-hour period to a 24-hour period. She commented on a program that utilizes high school football players for snow removal. Ms. Santarella asked how the elderly are handled as far as snow removal from their sidewalks. Ms. Klein said that everyone that has a sidewalk on the main roads receives a letter from her office outlining the ordinance and stating that should they need assistance in removing snow from their sidewalks to please call the First Selectwoman's office and an arrangement will be made. The Board agreed to send this item back to the Department of Public Works for more information.

f) Consider and Take Action on Local Option for Elderly Income Limits for 2005

Mr. Crary said that the ordinance states that the town is \$7,000.00 higher than what the State numbers are. Discussion ensued regarding the threshold. Ms. Klein said that the thresholds are very low. Mr. Harrel said that the Board needed to find out if the threshold has changed. It was the consensus of the Board that more information is needed on this item.

g) Discussion of CL&P Glenbrook Cable Project

Ms. Klein reported that on Thursday night members of the Holmes School on Rt. 106 came to the library and the topic was the Glenbrook Cable Project. She said that community members were there to express their concerns about the impact the project would have on their neighborhoods. She said that there are a lot of concerns throughout the community. Ms. Klein said that she should know by tomorrow regarding some testimonies that are due. There is no date as to when the town is expected to testify. On November 16, 2004, CL&P will be cross-examined before the siting counsel and the town's attorney will be there. Ms. Klein said that the town is in the process of talking with expert witnesses with regard to speaking on alternate technology and micro tunneling. There was discussion with regard to the project. Ms. Thorne said her main concern is that the project pits neighborhood against neighborhood within the town and against the town's neighbors. Dr. Miceli said that he would like to see the cable put someplace other than the Post Road, preferably the railroad or thruway. The Board members agreed.

h) Discuss the Creation of a Senior Center Taskforce

This item was tabled until the next meeting.

PUBLIC COMMENT

Consider and take action on the following reappointments:

- a) Commission on Aging – Jennifer Geddes (R) for a term expiring on 3/31/07.**
- b) Zoning Board of Appeals – Richard Sanford (R) for a term expiring on 6/30/07.**
- c) Zoning Board of Appeals – Al Tibbetts (R) for a term expiring on 6/30/06.**

**** MR. HARREL MADE A MOTION TO APPROVE ITEMS A, B AND C TOGETHER.**
**** DR. MICELLI SECONDED THE MOTION.**
**** MOTION PASSED UNANIMOUSLY.**

Klein said that a son of a resident called and that the elderly couple missed all the deadlines to apply for tax deferral. She said that they would like to defer their January payment. She asked if the Board could legally make an exception to extend the application period for this couple. City Attorney Fox stated that the Board of Selectmen could not modify the RTM's ordinance.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

a) Regular Meeting of October 5, 2004

The following corrections were made:

Page 1, Last Paragraph, Bob Harrel should be Bob Steeger.

- ** MS. SANTARELLA MADE A MOTION TO ACCEPT THE MINUTES OF OCTOBER 5, 2004 AS AMENDED.**
- ** DR. MICELLI SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

b) Special Meeting of October 6, 2004

The following corrections were made:

Page 5, under Approval of Minutes of Previous Meeting, Page 6: Fifth Paragraph, "...Ms. Santarella then quoted Counsel's..." should be "Ms. Santarella then quoted Counsel's opinion on the Darien Boat Club."

- ** DR. MICELI MADE A MOTION TO ACCEPT THE MINUTES OF OCTOBER 6, 2004 AS AMENDED.**
- ** MS. THORNE SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

- ** MS. THORNE MADE A MOTION TO ADJOURN THE MEETING.**
- ** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Linda L. Custis
Telesco Secretarial Services